



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

MAYOR BETH DELBUONO

## NEWINGTON TOWN COUNCIL

### SPECIAL MEETING MINUTES

Thursday, August 27, 2020

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*John O. Krupinski*  
Town Clerk

*This Meeting was presented as a Zoom Webinar/Meeting.*

Mayor DelBuono called the special meeting to order at 9:22 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Councilor Anest  
Councilor Braverman  
Councilor Budrejko  
Councilor Camillo  
Councilor Donahue  
Councilor Manke  
Councilor Miner  
Councilor Nagel  
Mayor DelBuono

Also present

Keith Chapman, Town Manager  
Janet Murphy, Finance Director  
James Krupinski, Town Clerk  
Susan Gibbon, Council Clerk

Also present

Dr. Maureen Brummett, Superintendent of Schools  
Lou Jachimowicz, Chief Finance & Operations Officer

III. PUBLIC PARTICIPATION – ON AGENDA ONLY (Via Zoom or Telephone: 888-788-0099 or 877-853-5247) (4 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)

- Michael J. Fox, 1901 Main Street stated that he supports the renovation project at Anna Reynolds and he hopes it goes to referendum and passes.

IV. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION

- None

V. CONSIDERATION OF OLD BUSINESS (Action May Be Taken)

A. Anna Reynolds Elementary School Renovations Project

1. Discussion on Public Hearing Comments for the Bond Resolution

Phone: (860) 665-8510 Fax: (860) 665-8507  
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[www.newingtonct.gov](http://www.newingtonct.gov)

- Councilor Miner address two comments made regarding new construction and the cost per square foot and trying to compare it to the new town hall/community center project. It is much easier for Colliers to determine a renovation cost per square foot because this type as renovate as new is a standard for the Department of Education. So, their ability to validate the current construction cost is more accurate than to build new. Secondly, the reimbursement rates for renovate as new are much higher than that of new construction. Net costs will be less, even though cost of new construction will be lower. Cannot compare RH to Newington; district to district has different reimbursement rates based on demographics.
- Mayor DelBuono stated that members of the building committee are also on the call.
- Councilor Donahue stated that he wanted to respond to comments that we need to get on this as soon as possible. Just want to remind people that we will not be starting construction on this until at least 2022 according to the schedule Colliers provided earlier. Another concern is the cost, but the people should decide whether we renovate or not.
- Mayor DelBuono stated that she wanted to remark regarding a Facebook post she put up earlier in the week. The purpose of that was to get input from residents across the board. The council toured Anna Reynolds and we all had concerns. Anna Reynolds is still a priority; only question is what do our other facilities need and we need to prioritize. Children are a priority. Musty smell in building was a concern to me. Not questioning needs that need to be addressed. Primary concern is \$35 million price tag and are unsure of what our funding from the state will be. Best opportunity is to do this now. Bonding resolution reflects maximum amount that we will go out to bond is \$17.75 million. Concern about municipal funding is a concern as well and need to be conscious of that. We did authorize a facilities study, but that will not be available until after this goes to referendum.

## 2. Waive the Reading of the Bond Ordinance Resolution

Motion by Councilor Manke

### **RESOLVED:**

The Newington Town Council hereby waives the reading of the entire resolution entitled **“RESOLUTION AUTHORIZING AN APPROPRIATION OF \$35,500,000 FOR THE ANNA REYNOLDS ELEMENTARY SCHOOL RENOVATION PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$17,750,000 AND THE USE OF GRANTS AND SUCH OTHER SOURCES OF FUNDS, AS WELL AS ESTABLISHING A DATE FOR A REFERENDUM”**, and hereby incorporates its full text into the minutes of the meeting.

Seconded by Councilor Anest.

Council Members Roll Call Vote:

### **ROLL CALL:**

Councilor Anest - Yes  
 Councilor Braverman - Yes  
 Councilor Budrejko - Yes  
 Councilor Camillo - Yes  
 Councilor Donahue - Yes

Councilor Manke - Yes  
Councilor Miner - Yes  
Councilor Nagel - Yes  
Mayor DelBuono - Yes

**TOWN OF NEWINGTON  
TOWN COUNCIL**

**RESOLUTION AUTHORIZING AN APPROPRIATION OF \$35,500,000 FOR THE ANNA REYNOLDS ELEMENTARY SCHOOL RENOVATION PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$17,750,000 AND THE USE OF GRANTS AND SUCH OTHER SOURCES OF FUNDS, AS WELL AS ESTABLISHING A DATE FOR A REFERENDUM**

**RESOLVED, (1) That the Town of Newington (the "Town") appropriate the sum of \$35,500,000 for costs related to the Anna Reynolds Elementary School renovation project, consisting of certain building and infrastructure repairs, renovations, construction and improvements, and equipment acquisition, at the Anna Reynolds Elementary School, including, without limitation, (i) the renovation, repair, reconfiguration, reallocation, consolidation, conversion and/or construction of classrooms, offices, conference rooms, public areas, lavatories, storage space and other building areas, (ii) the replacement, repair and renovation of roof and building envelope, (iii) the making of exterior façade improvements, (iv) the installation, repair and replacement of windows and doors, (v) room, wall and floor construction and renovation, (vi) code compliance work, including handicapped accessibility code improvements, (vii) hazardous materials abatement, (viii) the removal, replacement and installation of flooring (tiles, rugs and carpets), (ix) elevator construction, (x) the installation of sensory paths within hallways, (xi) installation and construction of lavatories, sinks and classroom, teacher and student storage areas, (xii) the purchase and installation of exterior and interior security system equipment and improvements, (xiii) the purchase and installation of fire alarm and fire protection equipment and improvements, (xiv) the purchase and installation of information technology, telephone infrastructure, public address system improvements, sound system and acoustical insulation improvements, clocks, technology improvements, and equipment and materials related thereto, (xv) electrical, mechanical, plumbing, lighting, HVAC system, climate controls/ventilation system and other building system improvements, (xvi) site improvements, including the reconfiguration of school bus and parent drop-off and pick-up areas, the repair, repavement and replacement of parking lots and sidewalks, landscaping improvements, and playground area improvements, (xvii) the purchase and/or installation of equipment, fixtures, furniture and other materials, including, without limitation, whiteboards, bulletin boards, room shades, computers, art room equipment, music room equipment, media center equipment, administrative office equipment, food service equipment and gym equipment, (xviii) the preparation and printing of bid documents, cost estimate reports and studies, environmental reports, informational materials and other preliminary materials, studies and reports related to the project, and (xix) design, demolition, construction, site work, engineering, project and construction management, architectural, permit, insurance, testing and inspections, legal, administration, temporary and permanent financing costs and expenses and any other costs and expenses related thereto, all of the above with such changes as the Town Council may approve (the "Project"). The Town Council is authorized to determine the scope and particulars of the Project. The Town Council may reduce or modify the scope of the Project, and the entire appropriation authorized hereby may be spent on the Project as so reduced or modified.**

(2) That to finance said appropriation for the Project, the Town issue bonds or notes in an amount not to exceed \$17,750,000 and use grants and such other sources of funds available therefor in an amount estimated to be at \$17,750,000. The bonds or notes shall be issued pursuant to Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the "Connecticut General Statutes"), including, without limitation, Section 7-369 of the Connecticut General Statutes, Section 10-289 of the Connecticut General Statutes, and any other enabling acts.

(3) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the Project or the receipt of grants for the Project. The amount of the notes outstanding at any time shall not exceed \$17,750,000. The notes shall be issued pursuant to the Town Charter and Section 7-378 of the Connecticut General Statutes. The Town shall comply with the provisions of Section 7-378a of the Connecticut General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(4) That the Town Manager and the Director of Finance of the Town (the "Officials") be authorized to sign said bonds or notes by their manual or facsimile signatures and to determine the amounts, rates of interest, dates, maturities, dates of principal and interest payments on such bonds or notes, the form of such bonds or notes; the provisions for protecting and enforcing the rights and remedies of the holders of such bonds or notes and all other terms, conditions and particular matters regarding the issuance and securing of such bonds or notes and to execute, sell and deliver the same, and provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, Securities and Exchange Commission Rule 15c2-12, the Town Charter, the provisions of the Connecticut General Statutes and any other applicable provision of law thereto enabling. The bonds and notes authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

(5) That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent for such bonds and notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; that the law firm of Updike, Kelly & Spellacy, P.C., Hartford, Connecticut, is designated as the attorneys at law to render an opinion approving the legality of such issue or issues.

(6) That the Officials are authorized to sell the bonds and notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(7) That the Town hereby declares its official intent under Federal Income Tax Regulations Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the Project. The Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest

on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(8) That the Officials are authorized to make representations and enter into written agreements or otherwise covenant for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws of rules pertaining to the sale or purchase of such bonds or notes.

(9) That the Town Manager is hereby authorized, on behalf of the Town, to execute any contracts with engineers, contractors, architects and other persons for the Project, and to apply for and accept state or other grants to finance the appropriation for the Project, excluding grants to be applied for by the Newington Board of Education, as authorized by the Town Council under separate resolution.

(10) That the Officials are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing and to issue bonds or notes to finance the aforesaid appropriation.

(11) That this resolution shall become effective after it has been voted on and approved by a majority of the qualified electors voting thereon at referendum duly called and held for such purpose.

**BE IT FURTHER RESOLVED,**

(1) That should the Town Council adopt the foregoing resolution, pursuant to Section C-408 of the Town Charter, said resolution shall be submitted to the voters at referendum to be held on Tuesday, November 3, 2020, between the hours of 6:00 a.m. and 8:00 p.m., for a yes or no vote, in the designated voting locations in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, and that the Town Clerk is directed to post and publish notice of such referendum in accordance with the provisions of said Charter and the Connecticut General Statutes, which notice shall state the question to be voted on as follows:

**"Shall the resolution entitled, 'RESOLUTION AUTHORIZING AN APPROPRIATION OF \$35,500,000 FOR THE ANNA REYNOLDS ELEMENTARY SCHOOL RENOVATION PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$17,750,000 AND THE USE OF GRANTS AND SUCH OTHER SOURCES OF FUNDS", be approved?**

Yes \_\_\_\_\_ No \_\_\_\_\_"

The ballot label for said question shall read as follows:

**"Shall the Town of Newington appropriate \$35,500,000 for the Anna Reynolds Elementary School renovation project and authorize the issuance of general obligation bonds and notes in an amount not to exceed \$17,750,000 and the use of grants and such other sources of funds to finance said appropriation?**

Yes \_\_\_\_\_ No \_\_\_\_\_"

**BE IT FURTHER RESOLVED,** That the Town Council hereby authorizes the preparation and printing by the Town Clerk, subject to the approval of the Town Attorney, of explanatory text for the question approved hereby for submission to the voters at referendum on November 3, 2020 specifying the intent and purpose of the Project in accordance with Section 9-369b of the

Connecticut General Statutes. Subject to the approval of the Town Attorney, the Town Council further authorizes the preparation and printing of materials concerning the question approved hereby for submission to the voters at referendum in addition to the explanatory text in accordance with Section 9-369b of the Connecticut General Statutes.

3. Adopt the Bond Ordinance, Set Referendum Date – November 3, 2020 and authorize the Creation of Explanatory Text & Other Printed Materials (§9-369b)

Motion by Councilor Anest

**RESOLVED:**

The Newington Town Council hereby moves to adopt the foregoing Resolution entitled, “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$35,500,000 FOR THE ANNA REYNOLDS ELEMENTARY SCHOOL RENOVATION PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$17,750,000 AND THE USE OF GRANTS AND SUCH OTHER SOURCES OF FUNDS, AS WELL AS ESTABLISHING A DATE FOR A REFERENDUM”, and hereby schedules a Referendum date of November 3, 2020.

Seconded by Councilor Miner.

Council Members Roll Call Vote:

**ROLL CALL:**

Councilor Anest - Yes  
Councilor Braverman - Yes  
Councilor Budrejko - Yes  
Councilor Camillo - Yes  
Councilor Donahue - Yes  
Councilor Manke - Yes  
Councilor Miner - Yes  
Councilor Nagel - Yes  
Mayor DelBuono - Yes

- Councilor Budrejko stated it is very obvious that Anna Reynolds can't continue to operate in the condition as it is in; there is so much that needs to be done. The cost took some of us by surprise, but given the amount that needs to be done, it is what it is. The public needs to understand that we can support public education, but doesn't mean they can't turn a blind eye by asking about costs. Our job as town councilors is questions costs and is doesn't mean we don't support the project in theory and practice. It is doing our due diligence. Even though the timing is bad, this in an important project and ultimately up to the voting public and taxpayers should decide where it stands in terms of their priorities and fully support moving this to referendum in November.
- Councilor Manke has some questions on the language. It says there will be improvements to the playground area, computers, art room equipment, music room equipment, media center equipment, administrative office equipment, food service equipment and gym equipment. Can someone explain why that is included in a renovation? Thought the playground was ok and not sure why equipment like computers are included.
- Chuck Warrington with Colliers stated that when most renovation projects there is a portion call furniture, fixtures and equipment and that encompasses quite a bit - chairs, desks, bookcases. It includes the main data equipment, security systems, pa systems, and can support computers,

laptops, etc. but those are ineligible from the state. In regards to the playground equipment - a lot of that is in good shape, however, there some improvements needed in the drainage areas. Typically these projects include FF&E.

- Councilor Manke stated that this is new stuff we will need for the refurbished rooms.
- Mr. Warrington stated correct. Typically we like to have new future, because the old stuff looks really old.
- Councilor Manke asked if new COVID requirements were taken into consideration.
- Mr. Warrington stated that COVID requirements are not out yet. Still in infancy of COVID. Expect requirements in HVAC systems and ventilation systems. Expect nurses suite to have a dedicated exhaust to the outside in.
- Councilor Manke stated he didn't see any solar panels, or any solar capabilities, is that not included?
- Mr. Warrington stated it could be. Lots of time districts will look at the roofing system and account for a power purchasing agreement so you don't pay upfront costs. It is an option and that will be up to the building committee to determine.
- Councilor Manke stated the footprint of the school is not increasing; taking the shell and renovating.
- Mr. Warrington stated that is correct, however, the only caveat to that is the new elevator and the state has stated that will be eligible. Can't justify going larger because the state won't support it.
- Councilor Miner stated that there was a misnomer on how the cost of the project increased from \$14 million in 2016, to \$16 million in 2018 and now \$35 million. Depending on the year in which the CIP list was drawn, it appears to me based on what I have read, I believe the number is the bonding amount. Can Dr. Brummett or Lou verify that?
- Dr. Brummett stated that is her understanding and any previous numbers were just estimates.
- Councilor Miner stated that the last bond offering we had, it was the most favorable bond offer in recent history.
- Janet Murphy stated that is correct, it was the most favorable in recent history. However, we won't be going out to bond this for 2 years. Can't predict 2 years out. It was below 3% which is unheard of in the bond industry.
- Councilor Miner stated that he believes, by statute, the State of Connecticut allowed municipalities to extend bond offerings for municipal buildings to 30 years. Is that correct?
- Ms. Murphy stated that you can do a 30-year; do not recommend it. It will add almost \$4 million in interest. Also, when you go to 30 years Standard and Poor's frown on that. The standard is 20 and that is what they like to see.
- Councilor Miner asked what rate Ms. Murphy used to come up with the \$4 million.
- Mr. Murphy stated she used the same rate, it could be higher because a 30 year bond would have a higher rate; using 3%
- Councilor Miner stated that he was just looking at options.
- Mayor DeIBuono asked about the amounts submitted to CIP - is that just the bonding cost or full cost? Always assumed that it was the total cost of the project.
- Ms. Murphy stated that all it said was \$21 million with an asterisk stating it could be eligible for reimbursement. Nowhere in there did it say it was just the town portion, so I wouldn't know.
- Councilor Nagel stated that Newington has a town CIP Committee and other towns do not and requests for large amounts go directly to citizens. Part of our CIP covers bond issues. The town hall project comes out of that amount and what is leftover is used for smaller project that the CIP Committee can choose to fund or not fund. There seems to be a misinterpretation that



this is added to our taxes. Yes it is, but it doesn't directly increase them because part of our budget includes and amount to pay off large bonding issues such as this if they are approved.

- Ms. Murphy stated that the total amount for CIP debt payment is capped at a limit of \$6.3 million. Not at that level now; it is less than that.
- Councilor Nagel thanked Ms. Murphy for providing that number. If the project is approved taxes will up exponentially, they won't because of that and other factors we discussed tonight.
- Councilor Miner stated that he wanted to clarify, just going through the 4-5 year CIP, there are one or two that recognize the total cost and the rest recognize the bonding cost. Don't know why they are not consistent. Moving forward that is something we need to pay attention to. In a couple they refereed to debt bonding cost.
- Mayor DelBuono stated that she has a question that was posed to her from a member of the public. This person made reference to a design build project and was concerned that with a design build project there is no open bid which would be a concern for us. Can you help me understand that?
- Mr. Warrington stated that a design build project is a delivery system for construction project but not for this one. A design build is when you solicit a team of an architect and contractor together; almost like a joint venture. These are usually used for parking garages, dormitories, etc. This is not the case here. Do recommend hiring a construction manager to help estimate, schedule, etc. Project is still put out to bid for subcontractors.
- Councilor Miner stated that he believes that there was a discussion of going with a construction manager and some discussion of the construction manager at risk with a guaranteed maximum price.
- Mr. Warrington stated that begin a phased construction, we looked at that because you don't want to have to rent portable classrooms; they are a waste of money and you don't want to have to pay for them and the state doesn't want to pay for them. Looking strategically to get 6-8 classrooms at a time; the construction manager will help strategize this during design. The delivery system of a construction manager at risk, is that we give them a control budget; budget management. They only own what is on the contract, they do not own change orders. It doesn't minimize risk to the owner, there is risk to both. You need good contract documents, and you need to have a good, qualified construction manager.
- Councilor Miner stated there was one other thing he wanted to touch on. When you are building and you base it on your construction documents the errors and omissions, change orders and unknown conditions, those are the only thing exclusionary to the construction manager and architect owning it and what they are supposed to deliver and the cost they are supposed to deliver it for. Correct?
- Mr. Warrington stated to clarify, any unforeseen conditions, errors and omissions, we cap those at 1%, but that is a discussion with legal counsel they would review that, third party requests or requests from the owner themselves come out of the owners contingency. Any saving from the owner's contingency is returned to you; a good CM will have funds leftover which will be returned.
- Councilor Miner asked what the contingency amounts are.
- Mr. Warrington stated that we calculate the owner's contingency at 7.5% and the CM contingency is a separate line item and that is within the construction budget.
- Councilor Miner stated that was a concern from several residents, making sure we had enough money in the contingency for unknowns.
- Councilor Donahue stated that the language regarding change orders concerns me. Is there anything in here that stated that all change orders will be reviewed and approved by the building committee?



- Mike Bottello, Bond Counsel stated that the resolution, generally a bond authorization, is not going to speak specifically to change orders per se. It is understood that, to the extent changes need to be made because the project might be too expensive or go beyond the appropriation of \$35.5 million, the town council has the authority to modify or reduce the project as necessary. In essences that reduces the change order, you never know, certain elements of the project might become too expensive. This is assuming you don't go beyond the bond amount of \$17,750,000.
- Councilor Donahue stated that his specific question is, and maybe it's not part of the bond language, that not anybody can throw in change order.
- Steve Woods stated that the building committee would oversee all change orders. Having said that, sometimes, because you need to keep the project moving, a small amount (\$4-5 thousand) will be allowed and approved after by the committee. Typically all changes order will come to committee to be approved. That is one thing we will definitely do.
- Mr. Bottello stated that is probably within the parameters of the building committee.
- Mr. Warrington that the within the contract there is a clause that states the general contractor and architect cannot authorize changes without approval from the owner, in this case, the building committee. So they need to get written approval for those.
- Mayor DelBuono thanked Mr. Bottello for clarifying some things.

VI. PUBLIC PARTICIPATION – ON AGENDA ONLY (Via Zoom or Telephone: 888-788-0099 or 877-853-5247) (3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)

- Rose Lyons, 46 Elton Drive thanked the council for sending this to referendum.
- Forrest C. Helvie, 282 Lamplighter Lane wanted to thank everyone for moving this project forward, the students at Anna Reynolds deserve it.


VII. REMARKS BY COUNCILORS

- Mayor DelBuono thanked everyone who participated this evening. The member of the public, the members of the committee, the presenters and the BOE. Now is the time to let the voters decide come November.

VIII. ADJOURNMENT

Motion by Councilor Camillo to adjourn the meeting at 10:10 p.m. Seconded by Councilor Anest. Motion passed 9-0.

Respectfully submitted,

  
Susan Gibbon  
Council Clerk